

RYE BEACH DISTRICT

**Rye Beach
New Hampshire**



Annual Report

For the Year Ended

December 31, 2016

ANNUAL MEETING

Tuesday, 11 April at 7:30 PM

RYE BEACH DISTRICT

Moderator:

ALFRED CASASSA

Clerk:

JOAN GITTLEIN

Commissioners:

FRANK DRAKE, Chairman	2017
JOHN CLIFFORD	2019
LINDA SHEPPARD	2018

Treasurer:

TYSON DINES

Auditor:

SCOTT MCQUADE

Planning Board:

WILLIAM SCHLEYER, Chairman	Term Expires January 1, 2019
LAWRENCE KNOWLTON	January 1, 2018
JEROME GITTLEIN	January 1, 2020
SCOTT MCQUADE	January 1, 2018
JOHN CLIFFORD, Ex-Officio	
ALFRED ARCIDI, Alternate	January 1, 2018

Board of Adjustment:

SHAWN CRAPO, Chairman	January 1, 2019
SCOTT McQUADE	January 1, 2018
SARAH T. HAYES	January 1, 2018
FRED CLARK	January 1, 2020
TIM DURKIN	January 1, 2020
MATTHEW TACKEFF, Alternate	January 1, 2019
PATRICK COSTA, Alternate	January 1, 2018
PETER CLARK, Alternate	January 1, 2018

Zoning Administrator:

Office Hours: BY APPOINTMENT

Commissioners Report

The Rye Beach Village District annual meeting will be on Tuesday, April 11, 2017, at the Precinct Building at 7:30pm. We encourage all residents to attend. Your participation and comments are important.

The Rye Sewer Commission has been in residence now for almost two years. The arrangement has worked out very well. It is nice to have more activity at the Precinct Building.

Three hundred and fifty four feet of sidewalk was replaced in 2016: South Road (east) 135 feet at #05, South Road (west) 75 feet along Abenaqui and 56 feet on the sharp curve, 40 feet at the Post Office, 43 feet at the east end of Causeway at #70 and 5 feet on Central Road at #799.

Should anyone want to have additional sidewalk replaced at their property please ask. The cost is \$50.00 per running foot and would be billed directly to you. The RBVD will pay for the cost of removal. Commissioner Linda Sheppard coordinates sidewalk work and can be reached at 964-8456.

Ground cover and hedges must not encroach into or onto the sidewalk. While the Commissioners would prefer that each property trim back (and maintain) encroaching vegetation on their own the District will be actively maintaining clear passage.

Also, please do not allow your landscape and other services to park on the sidewalk. They force pedestrians to walk in the street and can damage the sidewalk.

Fred Clark has created a seasonal "safe space" for our use on his land adjacent to the Eel Pond culvert on Red Mill Lane. There is a picnic table and bench, a lovely spot for a lunch or to relax and reflect. Perhaps to listen to the stream and imagine the old mill from the late 1600's that was once there. Thoughtful.

The Planning Board has proposed zoning amendments that address Accessory Dwelling Units. State law mandates that communities must allow ADUs but allows regulation of them. The amendments are posted in the Warrant. Please read the amendments carefully and come to the Annual Meeting to vote.

Thanks to all members and alternates serving on the Planning Board and Zoning Board of Adjustment. Your involvement is much needed and appreciated.

Your Zoning Administrator issued 25 Zoning Permits this year, up from 22 last year. All new construction, renovation, hardscape and improvements require Zoning Permits. Please be sure you or your contractor obtains a permit from Frank Drake, acting zoning administrator.

The expenses for street light repairs in 2016 were \$6,607.00. Based on the unpredictable nature of underground street light breaks the Commissioners believe it is prudent to continue to budget \$15,000.00, just in case. If a street light is out please call Linda (964-8456). Please do not remove the yellow ribbon around a pole as that identifies the pole for our electrician.

The RBVD continues to maintain the boardwalk and the beach access boardwalk adjacent to the Beach Club. Should a repair be needed please call Commissioner Frank Drake at 380-5403. We are having continuing discussions with NH DOT about the broken and shifted cement sidewalk sections just south of the boardwalk. They may not get very far; the State is taking the position that they are no longer responsible for sidewalks along state roads.

The Town of Rye website provides links to several RBVD documents and ordinances: Zoning Permit application (for remodeling, new construction, fences, septic systems, etc.), our Zoning Ordinance with amendments and the Planning Regulations. Here is the link; http://www.town.rye.nh.us/Pages/RyeNH_Building/RBVD.PDF/

It is an annual custom to thank the Rye Driftwood Garden Club for dressing up our flower boxes and flower beds at the Precinct Building, their work is sincerely appreciated. And thanks to the Little Boar's Head and Rye Beach Garden Club for their upkeep of the Sea Road circle garden, particularly Ann Malpass, Barbara Caswell and Deb Toohey.

Join us for discussion and voting at your Annual Meeting on April 11, 2017, at 7:30pm at the Precinct Building.

Respectfully submitted,
Frank A Drake
Commissioner

District Warrant State of New Hampshire

To the inhabitants of Rye Beach Village District, a Village District in the Town of Rye, organized under the provisions of Chapter 195, Sessions Law of 1905, amended in 1937 and 1943, qualified to vote in District affairs:

You are hereby notified that the annual meeting of the Rye Beach Village District will be held at the Precinct Building in said District on Tuesday, the 11th of April 2017, at seven thirty o'clock in the evening, to act upon the following matters:

- Article 1.** To elect a Moderator for the ensuing year.
- Article 2.** To elect a District Clerk for the ensuing year.
- Article 3.** To elect a Commissioner for three years, and a Treasurer and an Auditor for the ensuing year.
- Article 4.** Are you in favor of the adoption of the amendment proposed by the Planning Board for the Rye Beach Village District Zoning Ordinance as follows?

1. AMEND SUBSECTION 2.1 (DEFINITIONS) to include a new subsection 2.1.2 (a) to read as follows:

“Accessory Dwelling Unit”: A residential living unit that is appurtenant to a single family dwelling and that provides independent living facilities for one or more persons, including provision for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit must be within or attached to the principal dwelling unit and that one of said units must be occupied by the Owner of the property.

2. AMEND SUBSECTION 3.6 (TABLE OF USES) to include a new subsection A (4) to read as follows:

Accessory Dwelling Units shall be permitted in the low density residential and medium density residential districts as a special exception and prohibited in the Recreational District.

3. AMEND SECTION III (USE REGULATIONS) to include a new subsection 3.7, Accessory Dwelling, to read as follows:

3.7.1 Requirements: In accordance with RSA 674:72, an accessory dwelling unit shall be allowed by special exception provided that the unit complies with the following minimum requirements:

A. No more than one accessory dwelling unit shall be permitted on any property.

B. Adequate provisions for water supply and sewage disposal shall be made for an accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

C. Each accessory dwelling unit shall have a minimum floor area of 600 square feet or 40 percent of the living space of the principal dwelling unit, whichever is less, and a maximum floor area of 900 square feet and shall contain, at a minimum, a separate cooking area with a kitchen sink, one full bathroom, and not more than two bedrooms.

D. Any two-bedroom accessory dwelling unit shall have no more than three (3) occupants and any one bedroom accessory dwelling unit shall have no more than two (2) occupants.

E. Two off-street parking spaces shall be provided for any accessory dwelling unit in addition to such number of parking spaces required for the principal dwelling unit.

F. The accessory dwelling unit shall be constructed and maintained in such a manner as to retain the appearance and character of the principal dwelling unit as a single family dwelling and to maintain aesthetic continuity with the principal dwelling unit. No additional entrance door shall face the street.

G. The principal dwelling unit on the premises shall comply with the Dimensional Requirements of Subsection 4.2.

H. An approval shall be obtained from NHDES relative to the adequacy of the on-site waste disposal system.

I. Rye Sewer Commission approval shall be required for an accessory dwelling unit served by town sewer.

J. An approval shall be obtained from the applicable supplier of public water or certification of a well of adequate capacity shall be provided.

K. If an accessory dwelling unit is rented, it shall be for a term greater than six (6) months.

L. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

M. No accessory dwelling unit shall be permitted unless within, or attached to, the principal dwelling unit.

N. The principal dwelling unit and the attached dwelling unit may not be separated from each other in any way except in conformity with the subdivision regulations of the Rye Beach Village District.

O. There shall be only one electric, one water, and one sewer utility metering, and billing, for both the single family dwelling and the accessory dwelling unit.

P. All other zoning requirements that would apply to a single-family dwelling not accompanied by an accessory dwelling unit shall be met.

3.7.2 Applications: All applications for a special exception for an accessory dwelling unit shall include the following information to the Zoning Board of Adjustment at the time of application:

- A. A property layout showing the location of all buildings on the property, existing and proposed, including existing or proposed septic system.
- B. A parking plan for both the accessory dwelling unit and the principal dwelling unit.
- C. A floor plan of all rooms in both the accessory dwelling unit and the principal dwelling unit.
- D. Plans for access and egress from both the accessory dwelling unit and the principal dwelling unit.
- E. Approval of the Fire Chief.
- F. Building elevation views whenever exterior changes to the principal dwelling unit are proposed.
- G. Such other information as the Zoning Board of Adjustment may require.

3.7.3 Recertification: Every two years after approval as an accessory dwelling unit and when the property is sold, the owner of the principal dwelling unit and all adult occupants of the accessory dwelling unit shall file an affidavit with the Zoning Administrator certifying that the owner lives on the premises and that the occupancy of the accessory dwelling unit complies with Subsection 3.7.1 (D). Said affidavit shall include a \$100.00 fee.

Article 5. To hear reports of the Treasurer, Auditor, Committees or Officers heretofore chosen and pass any votes relating thereto.

- Article 6.** To see if the District will vote to raise and appropriate the Budget Committee recommended sum of \$129,850.00 for general District operations. This article does not include appropriations in any other articles.
- Article 7.** To authorize the District Officers to raise money by District note in anticipation of taxes.
- Article 8.** To see if the District will vote to authorize the Commissioners to apply for, receive and expend Federal and State grants which may become available during the course of the year, in accordance with RSA31:95-b, and also to accept and expend money from any other government unit or private source to be used for purposes for which the District may legally appropriate money.
- Article 9.** To transact such other business as may legally come before said meeting.

Given under our hands and seal the 28th day of March 2017.

Seal (S) _____
Frank Drake, Chairman

(S) _____
John Clifford

(S) _____
Linda Sheppard

Commissioners
Rye Beach Village District

We do solemnly swear that a true copy of this warrant was posted at the Rye Beach Post Office and the Rye Beach Village District Hall, places of public meeting in said District, on 28 March, 2017.

Seal (S) _____
Frank Drake, Chairman

(S) _____
John Clifford

(S) _____
Linda Sheppard

Commissioners
Rye Beach Village District

A true copy Attest: (S) _____
Frank Drake, Chairman

(S) _____
John Clifford

(S) _____
Linda Sheppard

Commissioners
Rye Beach Village District

Certificate of Audit

I hereby certify that I have examined the accounts of the Treasurer, Tyson Dines, that they are correctly drawn and that they correspond to the checks and paid invoices in his possession.

14 March 2017

Scott McQuade,
Auditor

Rye Beach Village District Board of Adjustment For year ending 31 December, 2016

1. **June 28, 2016:** The Board met to hear the petition of Sea Acres Realty Trust, Graham Bunce, Trustee, 338 High Street, Hampton, NH 03842, for property located at 80 Causeway Road, Rye Beach, NH, tax map 002/080, requesting variances in order to construct a single family home, septic system, driveway, retaining walls and associated site improvements. Variances requested:

- > Section 4, Article 4.2 [Front setback: 40' required, 29' requested]
- > Section 4, Article 4.2 [Side setback: 25' required, 22.6' requested]
- > Section 8, Articles 8.3.4.A(1) [to allow a structure in the tidal buffer]
- > Section 8, Articles 8.3.4.B.1 [to allow surface alteration in the tidal buffer]
- > Section 8, Articles 8.3.4.B.5(B)2 [to allow the removal of trees greater than 4.5' in diameter (19) in the tidal buffer]

Requests for variances were denied 5-0

2. August 18, 2016:

A: The Board met to hear the petition of Claire Spollen, 16 Laurence Lane, Rye Beach, NH 03871, for property located at 16 Laurence Lane, Rye Beach, NH, tax map 001/012 requesting variances to replace an existing 6' wide by 5' deep uncovered front entrance (that is within the front setback) with a 7' wide by 7' deep front entrance with a portico no more than 8' wide and 5' deep on a dimensionally

non-conforming home. The requested front setback will be 21' to the steps, 23' to the portico and 28' to the existing home. Variances required are from 4.2 Table of Dimensional Requirements and 5.1.3 Increases (no non-conforming structure can be enlarged or extended).

Requests for variances were granted 5-0

B: The Board met to decide upon a Motion for Rehearing to rehear its June 28, 2016 denial of the Bunce variance requests.

Request for re-hearing was granted 4-1

3. **October 4, 2016:** The Board met to re-hear the petition of Sea Acres Realty Trust, Graham Bunce, Trustee, 338 High Street, Hampton, NH 03842, for property located at 80 Causeway Road, Rye Beach, NH, tax map 002/080, requesting variances in order to construct a single family home, septic system, driveway, retaining walls and associated site -improvements. Variances requested:

> Section 4, Article 4.2 [Front setback: 40' required, 29' requested]

> Section 4, Article 4.2 [Side setback: 25' required, 22.6' requested]

> Section 8, Articles 8.3.4.A(1) [to allow a structure in the tidal buffer]

> Section 8, Articles 8.3.4.B.1 [to allow surface alteration in the tidal buffer]

> Section 8, Articles 8.3.4.B.5(B)2 [to allow the removal of trees greater than 4.5' in diameter (19) in the tidal buffer]

Requests for variances were denied 3-2

The Board meets, as requested, to hear applications for relief. Please contact Rye Beach Village Zoning Administrator for deadlines for timely submission of applications and supporting materials.

The Board welcomes volunteers, Rye Beach Residents, for Alternate positions. Please contact Shawn Crapo at shawncrapo@yahoo.com.

Respectfully submitted, Shawn Crapo, Chair

Report of the Rye Beach Village District Planning Board

The Rye Beach Village District Planning Board met once in 2016. The purpose of the meeting was to review RSA 674:68 and its' implications for our Village. RSA 674:68 sets forth the rules and regulatory flexibility regarding Accessory Dwelling Units in New Hampshire communities. The meeting was a public hearing on December 13, 2016 and the Planning Board received quality input from the public. Accordingly, the Planning Board was able to propose the appropriate zoning amendment changes that are to be considered at the 2017 Rye Beach Village District meeting on April 11, 2017.

Thanks are in order to Planning Board members John Clifford, Al Arcidi, Larry Knowlton, Jerry Gittlein and Scott McQuade for their continued service to the Village.

Respectfully submitted,
Bill Schleyer, Chair

Minutes of the Rye Beach Precinct Meeting April 12, 2016

The Rye Beach Precinct meeting was called to order at 7:40pm on Tuesday, April 12, 2016 by Moderator Al Cassa. The meeting was opened with *The Pledge of Allegiance* and recited by those in attendance.

Article 1: Al Casassa was nominated as our Moderator for the ensuing year by Ned Tate and was seconded by Becky Franz. He was elected by a majority vote.

Article 2: Joan Gittlein was nominated as District Clerk for the ensuing year by Linda Sheppard and seconded by Mike Coutu. She was elected by a majority vote.

Article 3: Motion was made by Frank Drake to dispense of the reading and to accept the reports written from the Treasurer, Auditor, and Committees or Officers heretofore chosen and pass any votes relating thereto. Motion was passed by majority vote.

Article 4: John Clifford was nominated as Commissioner for a three year term by Jerry Gittlein and seconded by Ned Tate. He was elected by a majority vote.

Tyson Dines was nominated as Treasurer for the ensuing year by Mike Coutu and was elected by a majority vote.

Scott McQuade was nominated as Auditor for the ensuing year by Shawn Crapo and seconded by Jerry Gittlein. He was elected by a majority vote.

Article 5: A motion was made by Ned Tate and seconded by Mike Coutu to accept and appropriate the Budget Committees recommended sum of \$131,050 for general district operations. This article does not include appropriations in any other articles. Frank Drake made the motion to adopt this article. All in attendance seconded it. Article 5 was declared adopted.

Article 6: To authorize the District Officers to raise money by district note in anticipation of taxes. Motion was made by Mike Coutu, seconded by Becky Frantz, and passed.

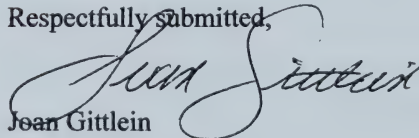
Article 7: To see if the District would vote to authorize the Commissioners to apply for, receive and expend Federal and State grants which may become available during the course of the year, in accordance with RSA 31:95-b, and also to accept and expend money from any other governmental unit or private source to be used for purposes for which the District may legally appropriate money. Motion was so moved by Tyson Dynes and seconded by Mike Coutu, and passed by unanimous voice vote.

Article 8: A motion was made and passed to transact such other business as may legally come before said meeting.

Jerry Gittlein brought to the attention of all those in attendance that in order to preserve the precinct as it exists today, new volunteers are needed to help with various committees. Mike Coutu and Al Casassa committed to fact-check the state's regulations and definitions concerning precinct rules in order to ensure that Rye Beach is in compliance with these regulations. Tyson Dynes interjected that the master plan will be due next year (2017), and that many volunteers are needed to help complete this project. Joan Gittlein voiced concern over the intrusive filming of the precinct meeting the past two years by Peter Crawford, who is a Rye Civic League leader. When queried as to his intention for this filming, Mr. Crawford replied that it was solely for the purposes of review by other precincts.

There being no further business Al Casassa adjourned the meeting at 8:10pm. Please plan to attend our 2017 meeting, as it is important to our community..

Respectfully submitted,



Joan Gittlein
District Clerk

Rye Beach Precinct

Treasurer's Report

For the year ending 31 December 2016

CASH BALANCE a/o 1 January 2017	\$65,784.38	
Encumbered/Retained	20,000.00	
Available Surplus	45,784.38	\$45,784.38
ACCT. NO.	REVENUES	

3110	District Taxes	\$ 66,697.00	
3401	Administrative Fees	7,640.00	
3409	Rent Revenues	20,229.96	
3502	Interest	22.20	
3509	Other Revenues	-0-	
3915	Capital Reserve Fund	-0-	\$94,589.16

EXPENDITURES

4130	Administrative	\$576.46	
4153	Legal Expense	2,514.00	
4194	Precinct Building		
	Maintenance/Repair	1,948.50	
	Fuel	2,797.93	
	Electricity	759.63	
	Water	321.49	
	Sewer Charges (net of rebate)	234.90	
	Sprinkler/Lawn/Water	475.00	
4196	Insurance	1,060.00	
4199	Zoning & Planning	1,072.79	
	Equipment	-0-	
	Miscellaneous	152.80	
4220	Hydrant Service	42,166.15	
	Snow Removal	480.00	
4312	Roadside/Boardwalk Work	12,689.06	
	Sidewalks/Concrete	22,460.00	
4316	Street Light Power	4,069.31	
	Street Light Repair	6,606.66	
4319	Tree Care	-0-	
	Road Signs	-0-	
4723	Interest Charges	-0-	
4915	Capital Reserve Fund	-0-	\$100,384.68

Cash Balance a/o 31 December 2016	\$59,988.86
Encumbered Funds	-0-
Retained Funds	\$20,000.00
Surplus available to reduce taxes	\$39,988.86

Capital Reserve Fund (general)	\$4,010.94
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S/ Tyson Dines
Treasurer

RYE BEACH VILLAGE DISTRICT **2017 Proposed Budget**

ACCT. NO.	EXPENDITURES	2016 BUDGET	2016 ACTUAL	2017 PROPOSED
4130	Administrative	\$1,200.00	\$576.46	\$1,00.00
4153	Legal Expense	5,000.00	2,514.00	5,000.00
4194	Precinct Building			
	Maintenance/Repair	10,000.00	1,948.50	10,000.00
	Fuel	6,500.00	2,797.93	4,500.00
	Electricity	500.00	759.63	1000.00
	Water	500.00	321.49	500.00
	Sewer	250.00	234.90	250.00
	Sprinkler/Lawn/Water	500.00	475.00	500.00
4196	Insurance	2,100.00	1,060.00	1,100.00
4199	Zoning & Planning	3,000.00	1,072.79	3,000.00
	Equipment	100.00	-0-	100.00
	Miscellaneous	100.00	152.80	100.00
4220	Hydrant Service	43,000.00	42,166.15	43,000.00
	Snow Removal	2,000.00	480.00	2,000.00
4312	Roadside/Boardwalk Work	10,000.00	12,689.00	12,000.00
	Sidewalks/Concrete	25,000.00	22,460.00	25,000.00
4316	Street Light Power	4,000.00	4,096.31	4,000.00
	Street Light Repair	15,000.00	6,606.66	15,000.00
	Street Lights New	100.00	- 0 -	100.00,
4319	Tree Care	3,000.00	- 0 -	1,500.00
	Road Signs	100.00	- 0 -	100.00
4723	Interest Charges	100.00	- 0 -	100.00
4915	Capital Reserve Fund	- 0 -	- 0 -	- 0 -
	TOTAL	\$131,050.00	\$100,384.68	\$129,850.00
	REVENUES			
3401	Administrative Fees	\$ 500.00	\$4,640.00	\$2,000.00
3409	Rent Revenues	20,230.00	23,229.96	23,230.00
3502	Interest	100.00	22.20	100.00
3509	Other Revenues	- 0 -	- 0 -	- 0 -
3915	Capital Reserve Fund	- 0 -	- 0 -	- 0 -
		<u>\$20,830.00</u>	<u>\$ 27,892.16</u>	<u>\$25,330.00</u>
	SURPLUS	\$65,784.00	\$59,989.00	\$59,989.00
	Encumbered	- 0 -	- 0 -	- 0 -
	Retained	<u>\$20,000.00</u>		<u>\$20,000.00</u>
	Available to Reduce Taxes	<u>\$45,784.00</u>		<u>\$39,989.00</u>
	AMOUNT BY TAXATION	\$64,436.00	\$66,697.00	\$64,531.00

Rye Beach Village District

District Ordinances

Parking Ordinance

Parking of privately owned vehicles in the driveway which surrounds the Precinct Building is restricted to patrons of the US Post Office and to personnel or persons having business in, or having permissive use of the hall. (Adopted 5/14/1986, 3/29/2011)

Pet Excrement Ordinance

It shall be the responsibility of the owners and or keepers of pets to remove excrement produced by those pets from public areas and to properly dispose of such waste in a sanitary manner.
(Adopted 3/29/2011)

Portable Toilets Ordinance

The placement of portable toilets on private property shall be done so as to minimize the visibility of toilet(s) from any public street.
(Adopted 3/29/2011)

Sidewalk Ordinance

Where contiguous concrete sidewalk exists in the Rye Beach Village District, original sidewalk material at driveway entrances shall remain and shall not be replaced with other materials. Where no concrete sidewalk exists, when replacing an existing driveway or installing a new one, concrete sidewalk shall be installed.
(Adopted 3/29/2011)

**THANK YOU
FOR ATTENDING
THE ANNUAL MEETING**

RESIDENT

Rye Beach, New Hampshire

03871